

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

OTSUKA PHARMACEUTICAL CO., LTD.,

Plaintiff,

v.

APOTEX CORP., APOTEX INC. and  
HETERO LABS LIMITED,

**Defendants.**

### **STIPULATION AND ORDER OF DISMISSAL**

Pursuant to Rules 41(a) and 41(c) of the Federal Rules of Civil Procedure, Plaintiff Otsuka Pharmaceutical Co. Ltd. and Defendants Apotex Corp. and Apotex Inc., through their undersigned counsel of record, file this Stipulation And Order of Dismissal, as follows:

1. The Stipulation and Order dated May 5, 2015 (D.I. 109 and D.I. 110) is superseded by the parties' agreement resolving this matter and is therefore vacated.
2. This action and all claims and counterclaims brought herein, including against Apotex Pharmachem Inc., are dismissed without prejudice.
3. Each party will bear its own attorneys' fees and costs.
4. This Court will retain jurisdiction to enforce this Order and the parties' related agreements resolving this matter.

Date June 30, 2017

Respectfully submitted,

<p><u>s/ Melissa A. Chuderewicz</u> Melissa A. Chuderewicz <b>PEPPER HAMILTON LLP</b> <i>(A Pennsylvania Limited Liability Partnership)</i> Suite 400 301 Carnegie Center Princeton, New Jersey 08543-5276 (609) 452-4808 chuderem@pepperlaw.com</p> <p>Of counsel: James B. Monroe Paul W. Browning Eric J. Fues Denise Main FINNEGAN, HENDERSON, FARABOW, GARRETT &amp; DUNNER, LLP 901 New York Avenue, N.W. Washington, DC 20001-4413 (202) 408-4000</p> <p><i>Attorneys for Plaintiff and Counterclaim-Defendant Otsuka Pharmaceutical Co., Ltd.</i></p>	<p><u>s/ Michael S. Weinstein</u> Michael S. Weinstein <b>COLE SCHOTZ P.C.</b> Court Plaza North 25 Main Street Hackensack, NJ 07601 (201) 489-3000 mweinstein@coleschotz.com</p> <p>Of counsel: William A. Rakoczy Joseph T. Jaros Neil B. McLaughlin Cynthia H. Sun <b>RAKOCZY MOLINO MAZZOCHI SIWIK LLP</b> 6 West Hubbard Street, Suite 500 Chicago, IL 60654 (312) 527-2157</p> <p><i>Attorneys for Defendants and Counterclaim-Plaintiffs Apotex Corp. and Apotex Inc.</i></p>
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**ORDER**

**SO ORDERED:**

This 30<sup>th</sup> day of June, 2017

  
JEROME B. SIMANDLE  
UNITED STATES DISTRICT JUDGE